

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

<b>VICKIE REYNOLDS, as conservator and</b>	)	
<b>next friend of David Andrew Reynolds,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. _____</b>
	)	
<b>KINDRED HEALTHCARE SERVICES, INC.,</b>	)	<b>Removal for Circuit Court</b>
<b>d/b/a KINDRED HOSPITAL-CHATTANOOGA,</b>	)	<b>of Hamilton County, Tennessee</b>
	)	<b>Case No. 17C1056</b>
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL OF CIVIL ACTION**

Defendant Kindred Healthcare Services, Inc. d/b/a Kindred Hospital-Chattanooga (“Defendant”), pursuant to 28 U.S.C. § 1441(a), 1446, and 28 U.S.C. § 1332, hereby files and serves its Notice of Removal of Civil Action on the grounds of diversity of citizenship of the parties and respectfully shows unto the Court as follows:

1. On September 19, 2017, the Plaintiff commenced an action against Defendants, in the Circuit Court for Hamilton County, Tennessee, bearing Case No. 17C1056. A copy of the Complaint and Summons filed at that time are attached hereto as collective Exhibit 1.

2. On October 9, 2017, CT Corporation System, as registered agent for service of Defendant, was served with the Summons and Complaint in the above styled action.

3. Removal is appropriate here as Plaintiff alleges she resides and is a citizen in the State of Tennessee. Comparatively, Defendant is incorporated in Delaware and its principal place of business is in Louisville, Jefferson County, Kentucky.

4. Additionally, the amount in controversy exceeds \$75,000 as Plaintiff seeks a money judgment of \$500,000 in damages from Defendant. Consequently, the amount in controversy requirement for diversity jurisdiction is satisfied.

5. Defendant, by filing this Notice of Removal, consents to the removal of this litigation to the United State District Court for the Eastern District of Tennessee, Southern Division.

6. Under 28 U.S.C. § 1441(a), actions over which the District Courts of the United States have original jurisdiction are removable, and this Court has original jurisdiction of this case under 28 U.S.C. § 1332(a)(1). This action is removable to this Court because this is a civil action, the Plaintiff and the Defendant are citizens of different states within the meaning of 28 U.S.C. § 1332, Defendant is not a citizen of the State of Tennessee, and the matter in controversy exceeds the sum or value of Seventy-Five Thousand and 00/100 Dollars (\$75,000), exclusive of interest and costs.

7. This Notice of Removal is filed with the Clerk of the United States District Court for the Eastern District of Tennessee, Southern, at Chattanooga, Tennessee within thirty (30) days, as computed by Fed. R. Civ. P. 6(a), of the date of service on Defendant of the initial pleading setting forth the claim for relief upon which this action is based. Accordingly, the time that Defendant has to answer or otherwise respond to the above-styled Complaint has not yet expired.

8. A copy of this Notice of Removal and the exhibits hereto are contemporaneously filed with the Circuit Court Clerk for Hamilton County, Tennessee, giving due notice to the State Court, and further, a copy of this Notice of Removal and the exhibits hereto will be served on the Plaintiffs by and through their counsel.

9. The exhibits hereto include the only documents filed in this cause. To date, there have been no responsive pleadings or discovery served in this action and no further proceedings have been held in the Circuit Court for Hamilton County, Tennessee.

10. Based on the foregoing, this Court has jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332, and since the parties are citizens of different states, and Defendant is not a citizen of the State of Tennessee, removal of this action is proper pursuant to 28 U.S.C. § 1441(a) under the procedure set forth in 28 U.S.C. § 1446.

WHEREFORE, on the basis of the foregoing, Defendant Kindred Healthcare Services, Inc. d/b/a Kindred Hospital-Chattanooga, hereby serves Notice that the above-captioned action pending against it in the Circuit Court for Hamilton County, Tennessee, has been removed therefrom to this Court.

Respectfully Submitted,

/s/ W. Lee Maddux

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*Attorneys for Kindred Healthcare Services, Inc.*

*d/b/a Kindred Hospital-Chattanooga*

**Certificate of Service**

I hereby certify that a true and exact copy of the foregoing has been served on the following parties via Electronic Mail and by placing it in the U.S. Mail, First Class, postage prepaid and electronic transmission as indicated below, on this the 8<sup>th</sup> day of November 2017.

C. Mark Warren  
Warren & Griffin, P.C.  
Suite 600, Dome Building  
736 Georgia Avenue  
Chattanooga, Tennessee 37402

/s/ W. Lee Maddux